

REMARKS

This Preliminary Amendment is being submitted to further prosecution of this application.

Claims 1, 5 and 9 are being amended, and new claims 13 thru 30 are being added. Thus, claims 1 thru 30 are pending in the application.

It is respectfully submitted that independent claims 1, 5 and 9 as now amended, and new independent claims 19, 23 and 27, recite the invention in a manner distinguishable from the combined disclosures of Young *et al.*, U.S. Patent No. 5,479,266, Yuen *et al.*, U.S. Patent No. 6,154,203 and Lawler *et al.*, U.S. Patent No. 5,699,107, which were previously cited under 35 U.S.C. §103.


In the previous Decision on Appeal dated 20 January 2004, the Board of Patent Appeals and Interferences stated that “we see nothing in the claims that sets forth the allegedly distinguishing feature”, that is, that “the claimed program identification is a 'contemporary' identification of the broadcast” (quoting from page 6, lines 8-10 of the Decision on Appeal). In response, independent claims 1, 5 and 9 are being amended to recite that program identification information contained in broadcast signals of broadcast stations is pre-stored or stored “while viewing a given broadcast program corresponding to said program identification information” (quoting from claims 1, 5 and 9, as amended). None of the references cited by the Examiner, either alone or in combination, discloses or suggests such a “contemporary” identification of a broadcast.

In the Decision on Appeal, the Board of Patent Appeals and Interferences states that “[we] do not see how claims of the scope presented might be thought to distinguish over Yuen's use of a smaller window” (quoting from page 6, lines 5-6 of the Decision on Appeal). In response, new independent claims 19, 23 and 27 recite that the viewing of the given broadcast program is maintained “without degradation of video display of the given broadcast program” while receiving a key input signal (claim 23) or a reserve key signal (claim 27), while reading program identification information (claims 19, 23 and 27), while setting reserve-recording information (claims 23 and 27), and while storing the reserve-recording information (claim 27). None of the references cited, either alone or in combination, discloses or suggests the latter features.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A Request for Continued Examination is concurrently submitted herewith. Applicant's check in the total amount of 1,208.00 drawn to the order of Commissioner accompanies this Amendment (\$770.00 for filing the Request and \$438.00 for the addition of three (3) independent claims in excess of 3 and ten (10) total claims in excess of total 20). Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,


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